

## **EXHIBIT 2**

COPY

In the United States District Court  
For the District of Massachusetts  
Civil Action No.: 04-10106-JLT

Zhanna Chizhik,  
Administratrix of the  
Estate of Grigory  
Chizhik,

Plaintiff,

VS.

Sea Hunt, Inc., and  
Tropicland Marine and  
Tackle, Inc.,

Defendants.

Deposition of  
30(B)6 Witness  
VICTOR O. ROOF

May 25, 2005

Deposition on oral examination of 30(B)6  
witness VICTOR O. ROOF, reported by Brad H. Thomas,  
Certified Realtime Reporter and Notary Public in and  
for the State of South Carolina; said deposition  
taken pursuant to agreement and in accordance with  
the South Carolina Rules of Civil Procedure, at the  
Offices of the Clarion Hotel, 1615 Gervais Street,  
Columbia, South Carolina, on May 25, 2005, at the  
hour of 11:12 a.m.

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VICTOR O. ROOF

1 A. This is the Navigator 22.

2 Q. Yes.

3 MR. BREEN: He's asking what that sheet of  
4 paper is.

5 BY MR. KAPLAN:

6 Q. What is that sheet of paper?

7 A. This is a copy of the literature that we  
8 have on the Navigator 22.

9 Q. Okay. And was that prepared by your  
10 office, Sea Hunt?

11 A. Yes, it was.

12 Q. And that is presented to whom?

13 A. That is presented to the dealer that in  
14 turn gives it to the potential buyers of the boat.

15 Q. Okay.

16 MR. KAPLAN: Could you mark that as  
17 Exhibit 2.

18 (Exhibit No. 2 was marked for  
19 identification.)

20 BY MR. KAPLAN:

21 Q. Now, would you please refer to the  
22 language in the first paragraph. Am I correct when  
23 I say capable of running the flats or handling open  
24 coastal waters?

25 A. Yes.

VICTOR O. ROOF

1 identification.)

2 BY MR. KAPLAN:

3 Q. Were the intended areas of the Navigator  
4 22 for usage any different than the intended areas  
5 for the 212?

6 A. Yes.

7 Q. What would be the difference?

8 A. The 212 was built for more of offshore  
9 use. The Navigator 22 was built to have the ability  
10 to do more casting or any type fishing in which you  
11 would want to cast a rod.

12 Q. Was the 2003 Navigator 22 designed for use  
13 in unlimited types of fishing scenarios or was it  
14 not to be used in some possible fishing scenarios?  
15 And if there is a difference, what should they be  
16 avoided?

17 MR. BREEN: Objection.

18 THE WITNESS: I can't answer that  
19 question.

20 BY MR. KAPLAN:

21 Q. I think you're right. Do you know whether  
22 there's any information -- strike that, please. You  
23 did say that there was no owner's manual that was  
24 issued for the 2003 Navigator 22; is that correct?

25 A. Yes.

VICTOR O. ROOF

1 Q. Was there an owner's manual issued for the  
2 212?

3 A. No.

4 Q. Is it your practice not to issue owner's  
5 manuals for any of the boats?

6 MR. BREEN: Objection.

7 THE WITNESS: Yes.

8 BY MR. KAPLAN:

9 Q. Was there any notice given to a purchaser  
10 of the 212 or of the 22 to refrain from using that  
11 boat in certain circumstances?

12 MR. BREEN: Objection.

13 THE WITNESS: No.

14 BY MR. KAPLAN:

15 Q. Now, when the Navigator 22 was designed  
16 who made the decision as to the hull depth?

17 A. I did.

18 Q. Was that decision based on the anticipated  
19 limitations of where the boat would be used?

20 MR. BREEN: Objection.

21 THE WITNESS: Not necessarily.

22 BY MR. KAPLAN:

23 Q. Now, I know you've given us the designer  
24 of the Navigator 22. Now, specifically who decided  
25 on the dimensions of the hull beam and hull depth

VICTOR O. ROOF

1 once the hull length was selected?

2 A. I did.

3 Q. Are you -- you're not a naval architect or  
4 anything, are you?

5 A. No, sir.

6 Q. Now, if you look at the stats on the 212  
7 and the 22, you probably have it in your mind, but  
8 if you don't, I'd be happy to give you back these  
9 exhibits. Perhaps that's the better way.

10 I'm going to hand you the 212, please, and  
11 the Navigator 22, which may help you to respond to  
12 some of these questions. Is the Triton 212 six  
13 inches shorter than the Navigator 22?

14 A. Yes, sir.

15 Q. Does the Navigator -- strike that. Does  
16 the 212 have a depth five inches greater than the  
17 Navigator 22?

18 A. In the cockpit it does.

19 Q. Who made that decision?

20 A. I did.

21 Q. Is the depth of the hull an important  
22 factor in keeping green water out of the boat when  
23 there are waves?

24 MR. BREEN: Objection.

25 BY MR. KAPLAN:

VICTOR O. ROOF

1 Q. You know what I mean by green water as  
2 opposed --

3 A. Yes. The depth would improve in that,  
4 yes.

5 Q. Do you agree that if a boat is adrift,  
6 that is not anchored, while the occupants are  
7 fishing the boat will be broadside to the waves?

8 MR. BREEN: Objection.

9 THE WITNESS: I'm not sure. I can't  
10 answer that.

11 BY MR. KAPLAN:

12 Q. Do you agree that when a drifting fishing  
13 boat is broadside to the waves it is more likely  
14 that the top of a wave could wash over the gunnel  
15 into the boat if the gunnel is lower than if it is  
16 higher?

17 MR. BREEN: Objection.

18 THE WITNESS: Yes.

19 BY MR. KAPLAN:

20 Q. Is that possibility one of the factors  
21 that was considered when deciding on the intended  
22 areas of use of the Navigator 22?

23 MR. BREEN: Objection.

24 THE WITNESS: No.

25 BY MR. KAPLAN:

VICTOR O. ROOF

1 the side of one boat that's 20 inches, it would come  
2 over it easier than it would a boat that would be 25  
3 inches tall or a boat that's 30 inches tall would be  
4 easier than 25.

5 BY MR. KAPLAN:

6 Q. But am I correct in interpreting that a  
7 boat with 20-inch sides is more apt to be troubled  
8 with waves than a boat that's 25 inches high?

9 MR. BREEN: Objection.

10 THE WITNESS: Yes.

11 BY MR. KAPLAN:

12 Q. Now, you have deck drains. And the  
13 purpose of deck drains is the boat has a  
14 self-bailing cockpit?

15 A. Yes.

16 Q. That means the deck is normally above the  
17 water line of the boat?

18 A. Yes. The floor of the boat. Would you  
19 define deck?

20 Q. Okay. I think I understand.

21 MR. BREEN: Just to clarify the record,  
22 did you understand the last question as it was  
23 asked?

24 THE WITNESS: No.

25 BY MR. KAPLAN:

VICTOR O. ROOF

1 consultants ever do any stability tests to see if  
2 trim down by the bow could result in significant  
3 reduction of stability?

4 MR. BREEN: Objection.

5 THE WITNESS: Yes, sir.

6 BY MR. KAPLAN:

7 Q. The answer to that is yes?

8 A. Yes, sir.

9 Q. Who did that?

10 A. I did.

11 Q. How?

12 A. By putting people in the boat, moving  
13 people in different positions, seeing if anything  
14 unusual happened with unweighted positions.

15 Q. And all of that was done in a lake  
16 setting?

17 A. In a lake setting, yes.

18 Q. Did you do or did you ever have anybody do  
19 any tests for the reduction of stability relating to  
20 persons standing up instead of sitting down?

21 A. No, sir.

22 Q. Was there anything in the owner's manual  
23 or signage on the boat that cautions the operator  
24 about stability being jeopardized if the people  
25 stand on the boat?